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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/954,654	09/18/2001	Adolf Proidl	AT 000053	7510
24737 7590 12/29/2006 PHILIPS INTELLECTUAL PROPERTY & STANDARDS P.O. BOX 3001 BRIARCLIFF MANOR, NY 10510			EXAMINER TANG, KAREN C	
			ART UNIT 2151	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE			MAIL DATE	DELIVERY MODE
3 MONTHS			12/29/2006	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 09/954,654	Applicant(s) PROIDL, ADOLF	
	Examiner Karen C. Tang	Art Unit 2151	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 October 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

- This action is responsive to the amendment and remarks file on 10/18/06.
- Reopen the prosecution due to persuasive arguments.

Information Disclosure Statement

The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609.04(a) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

Such as European Patent Application 00980114.2.

Claim Rejections - 35 USC § 102

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 2, 4, 6-12, 14, and 16-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Kiraly (US 2002/0059592).

1. Referring to Claims 1 and 11, Kiraly disclosed an internet receiving arrangement for receiving information data stored in information servers connected to the internet, the arrangement having

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address retrieval means which, when activation information (i.e., name, address, IP addresses, 0058, 0059) is present, are adapted to retrieve collective address information from an address server (i.e., information transmitter) connected to the internet (refer to 0059, 0060),

the collective address information identifying those information from which information data processable by the internet receiving arrangement can be retrieved, and having

information retrieval means for retrieving the processable information data from an information server identified by the retrieved collective address information (i.e., the information transmitter is the primary broadcast server, where information retrieved from it from the originator, radio broadcaster, etc., refer to 0079), and having

quality test for testing the information data retrieved and received by the information retrieval means for supplying the activation information to the address retrieval means when the quality of the received information data is below a quality threshold value or when no information data processable by the internet receiving arrangement are received from the information server (test indicate where the buffer is low, or near empty, or fall below the threshold, which, buffer comprising the information data, and then supply the activation information/different upstream IRRT signals, refer to 0070, 0073, 0074, and 0075).

2. Referring to Claims 2 and 12, Kiraly disclosed which timer means have been provided which at periodically occurring activation supply the activation information to the address retrieval means in order to retrieve the collective address information (refer to 0054).

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3. Referring to Claims 9 and 19, Kiraly disclosed wherein the quality is a measure of is audio data quality (refer to 0070, 0074, 0075).

4. Referring to Claim 10 and 20, Kiraly disclosed wherein the information servers (broadcast server, 0010) are internet radio stations (refer to 0061).

5. Referring to Claims 8 and 18, Kiraly disclosed wherein the information data is audio data (refer to 0098).

7. Referring to Claims 4 and 14, Kiraly disclosed in which the address retrieval means, when the activation information is present (refer to 0073),

Kiraly disclosed transcoding address information (refer to multi-media content) from the address which transcoding address identifies a transcoding server (chaincast server, refer to 0061) which is adapted to transcode information data stored in an information server but not processable by the internet receiving arrangement into information data processable by the internet receiving management, and in which the information retrieval means are adapted to retrieve the information data processable by the internet receiving arrangement from the transcoding server identified by the transcoding address information (refer to 0064).

9. Referring to Claims 6 and 16, Kiraly disclosed in which the address retrieval means, when activation information is present, are adapted to retrieve at least two items of collective address information from an address servers connected to the internet (refer to 0090).

10. Referring to Claims 7 and 17, Kiraly disclosed which internet receiving arrangement is formed by an internet television set adapted to receive and process audio/video data in the form of information data (refer to 0019, 0059).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3, and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kiraly (US 2002/0059592) in view of Applicant Admitted Prior Art (AAPA, Kerbango Radio, pages 1-3)

6. Referring to Claims 3 and 13, Although Kiraly disclosed the invention substantially as claimed, Kiraly is silence regarding providing entry means for the manual entry of the address information of a further information server have been provided from which information data processable by the internet receiving arrangement can be retrieved.

AAPA, in an analogous art disclosed a system which entry means for the manual entry of the address information of a further information server have been provided from which information

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data processable by the internet receiving arrangement can be retrieved (tune to the station which want to hear, refer to page 1, par 2).

Hence, providing the manual entry as disclosed by AAPA, would be desired for users to manually enter the destination information.

Therefore, at the time of the invention, it would have been obvious to one of ordinary skill in the art to have modified the system of Kiraly by including the feature that allows user to manually enter the address of desire information in able to reach the proper destination, in this case, a desired radio station.

Claims 5 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Background Information hereinafter Kiraly (pages 1 and page 2, Lines 1-15) in view of Madhavapeddi et al hereinafter Madhavapeddi (US 2005/0271071).

8. Referring to Claims 5 and 15, Kiraly disclosed internet receiving arrangement during the time the activation information is present (refer to 0062).

Kiraly is silence regarding discloses noise generator means, which noise generator means are adapted to supply noise information to information data processing means.

Madhavapeddi, in an analogous art disclosed a system that employ noise generator under test and supply the noise information to assure the network stabilities (refer to 0062).

Hence, providing the noise generator under test as disclosed by Madhavapeddi, would be desired for user to utilizing the test to see the network stabilities under the test.

Therefore, at the time of the invention, it would have been obvious to one of ordinary skill in the art to have modified the system of Kiraly by including the features which allows the user to constant check the network stabilities in order to take the proper measurements to fix the latency.

Conclusion

This Office action has an attached requirement for information under 37 C.F.R 1.105. A complete response to this Office action must conclude a complete response to the attached requirement for information. The time period for reply to the attached requirement coincides with the time period for reply to this Office action.

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this Office action is set to expire THREE MONTHS from the mailing date of this action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Karen C. Tang whose telephone number is (571)272-3116. The examiner can normally be reached on M-F 7 - 3.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung can be reached on (571)272-3939. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Requirement for Information Under 37 C.F.R. 1.105

1. Applicant and the assignee of this application are required under 37 CFR 1.105 to provide the following information that the examiner has determined is reasonably necessary to the examination of this application.
2. a) The citation, copy of product information, or publication information which incorporated the claimed subject matter such as “the Kerbango Radio”, which implicates the problem of allocating duplicate aliases that may be material to the patentability of the disclosed invention.
3. The fee and certification requirements of 37 C.F.R. 1.97 are waived for those documents submitted in reply to this requirement. This waiver extends only to those documents within the scope of this requirement under 37 C.F.R. 1.105 that are included in the applicant's first complete communication responding to this requirement. Any supplemental replies subsequent to the first communication responding to this requirement and any information disclosures beyond the scope of this requirement under 37 C.F.R. 1.105 are subject to the fee and certification requirements of 37 C.F.R. 1.97.

In responding to those requirements that require copies of documents, where the document is a bound text or a single article over 50 pages, the requirement may be met by providing copies of those pages that provide the particular subject matter indicated in the requirement, or where such subject matter is not indicated, the subject matter found in Applicant's disclosure.

4. The Applicant is reminded that the reply to this requirement must be made with candor and good faith under 37 CFR 1.56. Where the Applicant does not have or cannot readily obtain an item of required information, a statement that the item is unknown or cannot be readily obtained will be accepted as a complete response to the requirement for that item.

This requirement is an attachment of the enclosed Office action. A complete response to the enclosed Office action must include a complete response to this requirement. The time period for reply to this requirement coincides with the time period for reply to the enclosed Office action, which is THREE months.


ZARIGIAN
SUPERVISORY PATENT EXAMINER